

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Albert Boeckh et al.
Serial No. : 10/783,459
For : Topical Formulations Comprising 1-N-Arylpyrazole
Derivatives and Amitraz
Filed : February 20, 2004
Examiner : Levy, Neil S.
Group Art Unit : 1615
Confirmation No. : 7475

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DECLARATION UNDER 37 CFR 1.132

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Deborah Lu, declare and state that:

1. I am an attorney of record and that I am authorized to execute a declaration under 37 CFR 1.132 on behalf of Merial Ltd. ("Merial") for the above-captioned application ("the present application") and U.S. Patent No. 7,262,214 ("the '214 patent");

2. U.S. Application Serial No.10/783,459 ("the present application") is assigned to Merial Limited by virtue of an assignment from the inventors recorded at the USPTO on June 7, 2004 at Reel 015436 and Frame 0384.

3. U.S. Patent No. 7,262,214 is assigned to Merial Limited by virtue of an assignment recorded at the USPTO on August 21, 2003 at Reel 014407 and Frame 0816.

4. The present application was filed after November 29, 1999 and was commonly owned or subject to an obligation of assignment to the same party, Merial Limited, at the time the later invention was made. Therefore, the rejection under 35 U.S.C. 102(e) is improperly applied to the present application. Reconsideration and withdrawal are requested.

5. I further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine, or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the present application or any patent issued thereon.

Respectfully submitted,

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